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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,000	08/07/2001	Peter Robert Foley	7940	1791

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EXAMINER

KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

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DATE MAILED: 04/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,000

Applicant(s)

FOLEY ET AL.

Examiner

Preeti Kumar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-9 have been cancelled. Claims 10-29 are pending.

Priority

2. Acknowledgment is not made of applicant's claim for foreign priority based on a PCT application filed on February 8, 2000 since the applicant has not filed a certified copy of the PCT/US00/03227 application as required by 35 U.S.C. 119(b).

Claim Objections

3. Claims 27-28 are objected to because of the following informalities: Claims 27 and 28 are duplicate claims, reciting the same limitations as those recited in claims 22 and 21 respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, the phrase "from about 0.5% by weight, of a suds booster" renders the claim indefinite because the claim does not actually disclose the specific upper limit of the range encompassed by "from about 0.5%", thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(b).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 10-29 are rejected under 35 U.S.C. 102(a) as being anticipated by Vinson et al. (US 5,990,065).

Vinson et al. teach a liquid dishwashing detergent composition comprising from 0.0001% to 2% by weight, of an amylase enzyme; and from about 0.5% by weight, of a suds booster; wherein said composition has a pH greater than 8. See col.2, ln.23-40 and col.26 example I formulation E.

Specifically regarding claims 11-15, Vinson et al. teach a liquid dishwashing detergent composition comprising an amylase enzyme from about 0.0001% to about 2% by weight, of said amylase enzyme. See col.16, ln.15-17.

Specifically regarding claims 16 and 17, Vinson et al. teach the utility of anionic, nonionic, and cationic surfactants. An effective amount of a surfactant typically is in the range of from about 0.5% to about 90% by weight. See col.6, ln.33-37.

Specifically regarding claims 18-20, Vinson et al. teach the utility of from about 0.25% to about 15% by weight, of a diamine wherein the pK1 and pK2 of each diamine is from about 8 to about 11.5. See col.2, ln.29-37; and col.4, ln.5-10.

Specifically regarding claims 21 and 28, Vinson et al. teach examples of preferred diamines including dimethyl aminopropylamine, 1,6-hexanediamine, 1,3-propanediamine, 2-methyl-1,5-pentanediamine, and 1,3-pentanediamine. See col.5-6.

Specifically regarding claims 22 and 27, Vinson et al. teach that detergent compositions may further comprise enzymes which provide cleaning performance benefits such as cellulases, hemicellulases, peroxidases, proteases, gluco-amylases, lipases, cutinases, pectinases, xylanases, reductases, oxidases, phenoloxidases, lipoxygenases, ligninases, pullulanases, tannases, pentosanases, malanases, P-glucanases, and arabinosidases. See col.13,ln. 45-60.

Specifically regarding claims 23-25, Vinson et al. teach the utility of suds boosters, such as betaines and sulfobetaines ("sultaines"). See col.11, ln.55-60. The examiner notes that Vinson et al. are silent as to the range of suds booster that may be incorporated into the composition, however, in example I formulation E, Vinson et al. teach the use of a suds booster in an amount encompassed by the range recited by the instant claims.

Vinson et al. illustrate in example I formulation E, a liquid dishwashing detergent composition comprising: an amylase enzyme; a linear alkyl benzene sulfonate surfactant, a diamine, and a betaine suds booster in a proportion encompassed by the material limitations of instant claims. See col.26. ex.1.formulation E. Accordingly, the teachings of Vinson et al. are sufficient to anticipate the material limitations of the instant claims.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Remaining references cited but not relied upon are considered to be cumulative to or less pertinent than those relied upon or discussed above.

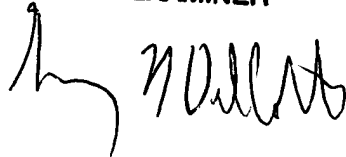
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Preeti Kumar
Examiner
Art Unit 1751

GREGORY DELCOTTO
PRIMARY EXAMINER



PK
March 22, 2002